

Ratiopharm v. Sepracor, District Court The Hague (Rechtbank Den Haag), 13 May 2009

Kluwer Patent Blog
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The Hague District Court nullified Sepracor's patent for compositions for treating allergic disorders using (-) cetirizine (levocetirizine) on the basis of lack of inventive step. The Court considered that the person skilled in the art knows that the pharmaceutical efficacy of a racemic mixture generally can be attributed to one of the enantiomers. At the priority date the skilled person would have researched the antihistaminic activity of levocetirizine with his common general knowledge as his 'tools' and would have come to the claimed invention. Researching the individual enantiomers is therefore obvious and cannot lead to the grant of a patent.

The full summary of this case has been posted on [Kluwer IP Law](#).